

The European Union Legal Order: An Introduction to its Nature and Scope

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1 Introduction

The impact of the European Union legal order on the private law system of the Netherlands can only be fully understood when put in the broader context of the *raison d'être* of European integration and the emergence of a supranational legal order, as well when appreciating the basic mechanics behind the processes that drive the Europeanization of the legal orders of the Member States of the European Union (EU).¹ In fact these mechanics are quite distinct from those traditionally to be found in the constitutional legal order of states, but also from those in public international law.

Highlighting these differences, hereafter first of all the nature of European law as it has emerged since the establishment of the European Coal and Steel Community and thereafter the European Economic Community (Treaty of Rome) is observed. Thereafter the two basic tools driving the integrationist efforts of the EU are explained, followed by an overview of the internal market provisions that - arguably even more so than European legislative activities and harmonization measures - are behind the deep intrusion or, to phrase it in somewhat less hostile terms, the adaptation of the national legal orders of the Member States. Indeed, the removal by the Court of Justice of the European Union (CJEU) of barriers to the free movement of *inter alia* goods and services has been instrumental to the assimilation of the Member States across a vast variety of policy areas and legal fields, including private law. Finally, this contribution concludes with a few reflections of the values underlying the EU's (legislative) activities that will be revisited in much more detail in subsequent chapters.

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¹ This contribution revisits and builds on observations and arguments brought forward by the authors in F. Amtenbrink and H.H.B. Vedder, *Recht van de Europese Unie*, 6th revised edition (The Hague, Boom Juridische Uitgevers, 2013). See also F. Amtenbrink and H. Raulus, 'The Semi-Detached Sovereignty of Member States in the European Union', in J.J.M. Jansen (ed.), *Tax Sovereignty in the European Union Context* (Deventer, Kluwer Law International, 2010), Chapter 1.

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Table of Contents European Union And Its Order The Legal Theory Of European Integration

1. Understanding the eBook European Union And Its Order The Legal Theory Of European Integration
 - The Rise of Digital Reading European Union And Its Order The Legal Theory Of European Integration
 - Advantages of eBooks Over Traditional Books
2. Identifying European Union And Its Order The Legal Theory Of European Integration
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an European Union And Its Order The Legal Theory Of European Integration
 - User-Friendly Interface
4. Exploring eBook Recommendations from European Union And Its Order The Legal Theory Of European Integration
 - Personalized Recommendations
 - European Union And Its Order The Legal Theory Of European Integration User Reviews and Ratings
 - European Union And Its Order The Legal Theory Of European Integration and Bestseller Lists

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 - European Union And Its Order The Legal Theory Of European Integration Public Domain eBooks
 - European Union And Its Order The Legal Theory Of European Integration eBook Subscription Services
 - European Union And Its Order The Legal Theory Of European Integration Budget-Friendly Options
6. Navigating European Union And Its Order The Legal Theory Of European Integration eBook Formats
 - ePub, PDF, MOBI, and More
 - European Union And Its Order The Legal Theory Of European Integration Compatibility with Devices
 - European Union And Its Order The Legal Theory Of European Integration Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of European Union And Its Order The Legal Theory Of European Integration
 - Highlighting and Note-Taking European Union And Its Order The Legal Theory Of European Integration
 - Interactive Elements European Union And Its Order The Legal Theory Of European Integration
8. Staying Engaged with European Union And Its Order The Legal Theory Of European Integration
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers European Union And Its Order The Legal Theory Of European Integration
9. Balancing eBooks and Physical Books European Union And Its Order The Legal Theory Of European Integration
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection European Union And Its Order The Legal Theory Of European Integration
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine European Union And Its Order The Legal Theory Of European Integration
 - Setting Reading Goals European Union And Its Order The Legal Theory Of European Integration
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of European Union And Its Order The Legal Theory Of European Integration
 - Fact-Checking eBook Content of European Union And Its Order The Legal Theory Of European Integration
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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